

Application No.: 09/701,910

Docket No.: AP9265

**REMARKS**

No claims have been added and no claims have been canceled. Claim 19 has been amended. Accordingly, claims 12-15, 19, 20 and 22 remain under prosecution in this application. Claims 16-18, and 21 are withdrawn from consideration inasmuch as they are directed to a non-elected invention (Invention II).

**35 USC §102**

Claims 12-15, 19, 20 and 22 are rejected under 35 USC §102 as being anticipated by either Lubbers et al or Campau et al. Claim 12 requires amongst other things that "... the sensed brake pedal actuation is used by the control unit to determine the vehicle deceleration that is to be effected by the brake system." None of the references of record teach or suggest a control unit which determines the vehicle deceleration that is to be effected by the brake system and accordingly for this reason alone, claim 12 is allowable.

Claim 13 depends from claim 12. Claim 13 requires, amongst other things, that the counterforce "is reduced when at least one of the sensed brake pedal travel, the speed of the brake pedal actuation and the acceleration of the brake pedal actuation exceeds a threshold value." None of the references of record teach or suggest *reducing the counterforce* on the brake pedal *as a function* of pedal travel, pedal speed, or pedal acceleration once pedal actuation *exceeds a threshold value*. For this reason alone, claim 13 is independently allowable.

Claim 15 depends from claim 12. Claim 15 requires, amongst other things, that the damping effect on the brake pedal "is reduced when at least one of the sensed brake pedal travel, the speed of the brake pedal actuation and the acceleration of the brake pedal actuation exceeds a threshold value." None of the references of record teach or suggest *reducing the damping effect* on the brake pedal *as a function of* pedal travel, pedal speed, or pedal acceleration once pedal actuation *exceeds a threshold value*. For this reason alone, claim 15 is also allowable.

Claim 19 includes, amongst other limitations, that "... the control unit changes a brake force acting in the brake system depending on at least one of an actuating travel, and actuating speed and an acceleration of the actuation of the brake pedal when the brake assist function is activated, wherein the brake force acting in the system corresponds to *a ratio*

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between at least one of the actuating travel, the actuating speed and the acceleration of actuation of the brake pedal, and the deceleration to be effected by the brake system. None of the references of record teach or suggest the *ratio* set forth in claim 19 and accordingly, for this reason alone, claim 19 is allowable over the art of record.

Claim 20 sets forth, amongst other limitations, "... determining the vehicle deceleration. . .". None of the references of record teach or suggest the method step of determining the vehicle deceleration and according, for this reason alone, claim 20 is allowable.

Claim 22 requires, amongst other limitations, method step of "... determining the vehicle deceleration. . ., and changing a brake force acting in the system. . ., wherein the brake force acting in the system corresponds to a *ratio* between at least one of the actuating travel, the actuating speed and the acceleration of the actuation of the brake pedal and a vehicle deceleration to be effected by the brake system." None of the references of record teach or suggest changing a brake force acting in a system wherein the brake force corresponds to a *ratio* as defined in claim 22, and for this reason alone, claim 22 is in condition for allowance.

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Respectfully submitted,

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